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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) CASE NO. 14-03963 MEJ
Plaintiff,)
v.) STIPULATION TO STAY
THE REAL PROPERTIES AND)
IMPROVEMENTS LOCATED AT 951 LA)
GONDA WAY, DANVILLE, CA 94526; 87)
PANORAMIC DRIVE, WALNUT CREEK,)
CA 94595, AND 9005 NORTH LAKE)
BOULEVARD, KINGS BEACH, CA 96143,)
Defendants.)

Potential claimant Anthony Keslinke and plaintiff United States of America, hereby jointly request that the above referenced civil forfeiture case be stayed and “administratively closed” for purposes of the Civil Justice Reform Act reporting requirements pending the completion of the related criminal prosecution.

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REQUEST FOR ADMIN. CLOSURE
AND PROPOSED ORDER
CASE NO. 14-03963MEJ

The effect of an administrative closure is no different from a simple stay, except that it affects the count of active cases pending on the court's docket; i.e., administratively closed cases are not counted as active. See Lehman v. Revolution Portfolio LLC, 166 F.3d 389, 392 (1st Cir. 1999) ("This method is used in various districts throughout the nation in order to shelve pending, but dormant, cases.") In contrast, cases stayed, but not closed, are counted as active. This case still exists on the docket of the district court and may be reopened upon request of the parties or on the court's own motion.

Mire v. Full Spectrum Lending Inc., 389 F.3d 163, 167 (5th Cir. 2004); see also 18 U.S.C. § 981(g)(1); The Guide to Judiciary Policies & Procedures, Vol. 11, Chapter 14, Exhibit 1.

The parties submit that the record of this case provides facts sufficient to support administrative closure. Anthony Keslinke is currently under investigation by the Government and there is a pending related criminal prosecution before this Court. See United States v. Keslinke, CR 14-00237 JST. Because Anthony Keslinke is the subject of a related criminal case, continuation of the forfeiture proceeding will burden his right against self-incrimination in the related criminal case. Thus, Anthony Keslinke requests a stay pursuant to 18 U.S.C. § 981(g)(2). The United States requests a stay under 18 U.S.C. § 981(g)(1), as civil discovery would adversely affect the prosecution of the related criminal case.

Dated: 9/18/2014

/S/
MARTHA A. BOERSCH
Attorney for Potential Claimant

Dated: 9/18/2014

/S/
DAVID B. COUNTRYMAN
Assistant United States Attorney

REQUEST FOR ADMIN. CLOSURE
AND PROPOSED ORDER
CASE NO. 14-03963MEJ

1 **[PROPOSED] ORDER TEMPORARILY**
2 **ADMINISTRATIVELY CLOSING CASE**
3

4 UPON CONSIDERATION of the parties Request for Temporary Administrative Closure, the
5 entire record, and for good cause shown, it is by the Court on this

6 26th day of September, 2014

7 ORDERED that the instant case be, and hereby is STAYED and ADMINISTRATIVELY
8 CLOSED for purposes of the Civil Justice Reform Act reporting requirements, until the resolution of
9 United States v. Keslinke, CR 14-00237 JST;

10 IT IS FURTHER ORDERED this case still exists on the docket of the district court and may be
11 reopened upon request of the United States or Anthony Keslinke or on the court's own motion.

12 IT IS SO ORDERED this 26th day of September 2014.



13
14 HONORABLE MARIA-ELENA JAMES
15 United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of

- Stipulation to Stay

to be served this date via United States first class mail delivery upon the person(s) below at the place(s) and address(es) which is the last known address(es):

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Aloha Property LLC
c/o Jason Gonzalez
87 Panoramic Way
Walnut Creek, CA 94595-1605

The D. and G. Littman Trust
c/o Gloria Littman
P.O. Box 1768
Medford, OR 97501

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 26th day of September, 2014, at San Francisco, California

____/S/
CAROLYN JUSAY
Asset Forfeiture Unit
FSA Paralegal

REQUEST FOR ADMIN. CLOSURE
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